ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Luigi Fedeli e Figlio S.r.l. v. Kevin Baker
Case No. D2026-3194

1. The Parties

The Complainant is Luigi Fedeli e Figlio S.r.l., Italy, represented by Avv. Marco Pasquale Troiani, Italy.

The Respondent is Kevin Baker, United States of America ("U.S." or "United States").

2. The Domain Name and Registrar

The disputed domain name <getfedeli.shop> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 21, 2026. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 22, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name. The Center sent an email communication to the Complainant on July 23, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on July 23, 2026.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on August 3, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 23, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 24, 2026.

The Center appointed Simone Huser as the sole panelist in this matter on August 28, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a luxury knitwear company, founded in 1934 and headquartered in Monza, Italy.

The Complainant holds the domain name <fedelicashmere.com>, which hosts its main website.

The Complainant owns trademark registrations in several jurisdictions, including:

- FEDELI International Trademark Registration No. 813883, registered on October 2, 2003, in International Class 25; and

- FEDELI International Trademark Registration No. 1300238, registered on January 29, 2016, in International Classes 03, 09, 14, 18.

The disputed domain name was registered on May 27, 2026.

According to the evidence submitted with the Complaint, the disputed domain name resolves to a website that reproduces the Complainant's trademark, layout and colour scheme and purports to offer premium knitwear and swimwear products under the Complainant's mark at reduced prices.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends as follows:

The disputed domain name is confusingly similar to the registered trademark in which the Complainant has rights, because it incorporates the Complainant's mark FEDELI in its entirety, and only differs by the addition of the descriptive term "get".

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has no connection or affiliation with the Complainant, is not commonly known by the disputed domain name, and there is no evidence of the Respondent's use of disputed domain name in connection with a bona fide offering of goods and services. On the contrary, the website at the disputed domain name is resolving to a website reproducing the Complainant's trademark and replicating the overall concept, layout, colour scheme, and visual identity of the Complainant's official website, and displays and offers for sale clothing and other products under the FEDELI brand.

The disputed domain name was registered and is being used in bad faith with the purpose of disrupting the Complainant's business and attracting consumers for commercial gain. The disputed domain name offers products bearing Complainant's trademark at significantly lower prices than those offered by the Complainant through its official retail channels. The Respondent has intentionally attempted to create a likelihood of confusion with the Complainant and its trademarks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms here, "get", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving that a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. WIPO Overview 3.1, section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegitimate activity, such as a copycat site and passing off, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

The Respondent has replicated the Complainant's trademark and the overall look and feel, colour scheme, and website layout in order to closely mimic the Complainant's official website. Such conduct is a clear attempt to pass off the Respondent's website as being that of, or authorized by, the Complainant, and cannot constitute a bona fide offering of goods or services. WIPO Overview 3.1, section 2.13.2.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the view of the Panel, noting that the Complainant's trademark predates the registration of the disputed domain name and considering that the disputed domain name resolves to a website highly similar to the Complainant's website and featuring the Complainant's trademark, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant's trademark.

The Panel holds that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website in the sense of Policy, paragraph 4(b)(iv). Moreover, panels have held that the use of a domain name for illegitimate activity, here, claimed copycat site and passing off, constitutes bad faith. WIPO Overview 3.1, section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel thus finds that the Complainant has established the third element of the Policy with regard to the disputed domain name.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <getfedeli.shop> be cancelled.

/Simone Huser/
Simone Huser
Sole Panelist
Date: September 14, 2026